

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

DIMITRIOS H. SPATHIS,

Defendant.

Case No. 99-cv-00842-PJH

**ORDER TO SHOW CAUSE RE:  
APPLICATION FOR ORDER OF  
CONTINUING GARNISHMENT**

Re: Dkt. No. 17

Before the court is plaintiff's application for an order of continuing garnishment. Dkt. 17. This matter regards the United States' efforts to collect on the defaulted student loan debt of pro se defendant Dimitrios H. Spathis. In a prior order, this court granted plaintiff's motion for a writ of garnishment. Dkt. 14. The writ was to be served on Spathis and the garnishee, The Container Store.

The Container Store answered and objected to the writ. Dkt. 16. In particular, the garnishee argued that Spathis works only part time, and his net biweekly wages are too low to be garnished. The Container Store further stated that garnishment "has been applied to" Spathis's record, and that wages will be "forwarded if earnings are enough to withhold." *Id.* at 9. Although it was not cited, the basis for the objection would appear to be 29 C.F.R. § 870.10(a). See U.S. Department of Labor, Wage and Hour Division, Fact Sheet #30: The Federal Wage Garnishment Law.

Spathis himself has not objected or otherwise responded to the writ. Although the application declares that service of the writ was made on the debtor on August 4, 2016, Dkt. 17 ¶ 6, no separate certificate of service was filed with the court. See 28 U.S.C. § 3205(c)(3) ("The United States shall serve the garnishee and the judgment debtor with a copy of the writ of garnishment and shall certify to the court that this service was

made.”). The court is thus unable to determine whether service was sent to Mr. Spathis’s last known address (in Las Vegas) or to the updated address (in Vacaville, California) that was more recently provided by The Container Store. See Dkt. 16 at 5.

Plaintiff is thus ORDERED TO SHOW CAUSE why the application should not be denied given the garnishee’s representation that Spathis’s wages are too low to be garnished. Plaintiff’s supplemental filing shall also indicate how the writ of garnishment was served upon the defendant, and which address was used for service. A supplemental brief addressing these two matters shall be filed with the court within 21 days of this order.

**IT IS SO ORDERED.**

Dated: October 3, 2016



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PHYLLIS J. HAMILTON  
United States District Judge